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Counsel for Plaintiff

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 ANGELA ALLEN, individually;

12 Plaintiff, CASE NO.: 2:17-cv-02204-APG-NJK

13 vs.

14 TARGET CORPORATION, a Foreign
15 Corporation; DOES I – X, inclusive; and
16 ROE CORPORATIONS I – X, inclusive,

17 Defendants.

**STIPULATION FOR EXTENSION OF
DISCOVERY DEADLINES (Fifth
Request)**

18 The above named parties, by and through their respective counsel of record, hereby submit
19 the following STIPULATION FOR EXTENSION OF DISCOVERY DEADLINES (Fifth
20 Request).

21 **A. DISCOVERY COMPLETED TO DATE**

22 This matter involves a slip and fall at one of Defendant's stores. On September 20, 2017,
23 the parties held an initial Rule 26(f) Conference. On September 27, 2017, the Court entered a
24 Stipulated Discovery Plan/Scheduling Order. On November 29, 2017, the Court granted the
25 parties' first stipulated request to extend discovery deadlines. On January 29, 2018, the Court
26 granted the parties' second stipulated request to extend discovery deadlines. On April 11, 2018,
27 the Court granted the parties' third stipulated request to extend discovery deadlines. On June 7,
28

1 2018, the Court granted the parties' fourth stipulated request to extend discovery deadlines. On
2 June 29, 2018, the Court granted a Substitution of Attorneys naming Alan W. Westbrook, Esq., of
3 PERRY & WESTBROOK, as Defendant's new counsel of record.

4 To date, Plaintiff has produced the following discovery:

- 5 • Plaintiff's Initial List of Witnesses and Production of Documents Pursuant to
FRCP 26.1(a), served September 21, 2017;
- 6 • 1st Supplement to Plaintiff's Initial List of Witnesses and Production of Documents
Pursuant to FRCP 26.1(a), served October 2, 2017;
- 7 • 2nd Supplement to Plaintiff's Initial List of Witnesses and Production of
Documents Pursuant to FRCP 26.1(a), served November 17, 2017;
- 8 • Plaintiff's Answers to Defendant Target Corporation's First Set of Interrogatories,
served November 20, 2017;
- 9 • Plaintiff's Responses to Defendant's First Set of Requests for Production of
Documents, served November 20, 2017;
- 10 • 3rd Supplement to Plaintiff's Initial List of Witnesses and Production of
Documents Pursuant to FRCP 26.1(a), served January 8, 2017;
- 11 • 4th Supplement to Plaintiff's Initial List of Witnesses and Production of Documents
Pursuant to FRCP 26.1(a), served April 11, 2018.

12 To date, Defendant has produced the following discovery:

- 13 • Defendant Target Corporation's Initial Disclosures of Witnesses and Documents
Pursuant to Fed.R.Civ.P. 26(a)(1), served September 20, 2017;
- 14 • Defendant Target Corporation's First Supplemental Disclosures of Witnesses and
Documents Pursuant to Fed.R.Civ.P. 26(a)(1), served March 9, 2018;
- 15 • Defendant Target Corporation's Answers to Plaintiff's First Set of Interrogatories,
served March 9, 2018;
- 16 • Defendant Target Corporation's Responses to Plaintiff's First Set of Requests for
Production, served March 9, 2018.

17 To date, the following depositions have been taken:

- 18 • Julie Jarvis Francois, taken by Plaintiff on November 28, 2017;
- 19 • Ralph Tiebel, taken by Plaintiff on November 28, 2017;

- Illunga McClendon, taken by Plaintiff on February 20, 2018;
- Jason Boone, taken by Plaintiff on February 20, 2018.

B. DISCOVERY THAT REMAINS TO BE COMPLETED

Plaintiff previously scheduled the deposition of Defendant's FRCP 30(b)(6) representative(s) for May 31, 2018; however, due to scheduling difficulties with Defendant's corporate designees and the recent substitution of new defense counsel, this deposition has been rescheduled multiple times. It is critical that this deposition go forward prior to the preparation of Plaintiff's liability expert report as Plaintiff's expert will need to review the FRCP 30(b)(6) deposition transcripts as part of his evaluation. The parties are also in the process of scheduling an expert inspection of the incident site, which must be completed prior to the disclosure of initial expert reports.

Defendant recently retained new counsel, Alan W. Westbrook, Esq., of Perry & Westbrook, P.C. The Court granted this substitution of counsel on June 29, 2018. Mr. Westbrook is diligently working to digest the case file, confirm the identity and availability of Defendant's FRCP 30(b)(6) designees, and schedule the requested site inspection. Mr. Westbrook is currently in the midst of trial in a separate case within Washoe County, Nevada; this has caused a brief delay in conducting these particular depositions and site inspection.

Defendant needs to conduct the deposition of Plaintiff, a witness who was with her at the time of the subject incident, and at least two of Plaintiff's treating healthcare providers. Plaintiff continues to experience symptoms she attributes to the subject incident and anticipates requiring future treatment so Defendant may seek to have Plaintiff appear for a Rule 35 Examination.

The parties also anticipate designating expert witnesses and conducting the depositions of any designated expert witnesses. As such, the parties have agreed to a brief 60 day extension of the current discovery deadlines.

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1 **C. REASONS WHY DISCOVERY HAS NOT BEEN COMPLETED**

2 Defendant is still in the process of obtaining Plaintiff's medical records and films.
3 Defendant needs to obtain those records before conducting the depositions of Plaintiff and her
4 treating healthcare providers. Defendant also needs to obtain those records and films to provide
5 to Defendant's medical expert. Also, as Plaintiff continues to experience symptoms she attributes
6 to the subject incident and anticipates requiring future treatment, Defendant will likely seek to
7 have Plaintiff attend a Rule 35 Examination. Defendant recently substituted Alan W. Westbrook,
8 Esq., of Perry & Westbrooke, in the place and stead of Wilson Elser Moskowitz Edelman &
9 Dicker. This change of counsel has resulted in a delay in the scheduling of the depositions of
10 Defendant's FRCP 30(b)(6) representative(s), Plaintiff, her treating healthcare providers and
11 witness, Christine Keenan. It is anticipated that these depositions, and Plaintiff's requested site
12 inspection, will be conducted within the next 30-45 days which will allow the parties' respective
13 experts to review said discovery during the preparation of their reports.

14 All of this discovery cannot be completed and provided to expert witnesses to allow them
15 to complete expert reports prior to the current initial expert disclosure deadline. Accordingly, the
16 parties request a 60 day extension of the current discovery deadlines.

17 **D. PROPOSED DISCOVERY SCHEDULE**

18	Close of Discovery:	November 12, 2018
19	Dispositive Motions:	December 11, 2018
20	Joint Pre-Trial Order:	January 11, 2019
21	Last day to amend pleadings:	Closed
22	Initial Expert Disclosures:	September 11, 2018
23	Rebuttal Expert Disclosures:	October 12, 2018
24	Interim Status Report	September 11, 2018
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26	...	
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1 DATED this 13th day of July, 2018.

2 **MAINOR WIRTH, LLP**

3 */s/ Joseph J. Wirth*

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7 *Counsel for Plaintiff*

8 IT IS SO ORDERED.

9 Dated July 16, 2018

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DATED this 13th day of July, 2018.

PERRY & WESTBROOK, P.C.

/s/ Alan W. Westbrook

ALAN W. WESTRBOOK, ESQ.
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Counsel for Defendant


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11 **UNITED STATES MAGISTRATE JUDGE**
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